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7 Attorney for James McMillan

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JAMES MCMILLAN,

15 Defendant.
16

Case No. 2:17-cr-080-APG-CWH

**STIPULATION TO CONTINUE
SENTENCING HEARING**
(First Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,
18 Acting United States Attorney, and John Patrick Burns, Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Brian Pugh, Assistant Federal Public Defender, counsel for James McMillan, that the
21 Sentencing Hearing currently scheduled on Thursday, August 17, 2017, be vacated and
22 continued to a date and time convenient to the Court, but no sooner than ninety (90) days.

23 This Stipulation is entered into for the following reasons:

24 1. Mr. McMillan has been unable to schedule an Pre-sentence Investigation Report
25 (“PSR”) interview with U.S. Probation (“USPO”). Mr. McMillan lives in Idaho and is a long-
26 haul trucker who spends three to four weeks on the road. In addition, counsel for Mr. McMillan

1 was recently in trial and was unable to assist the USPO in scheduling a PSR interview for Mr.
2 McMillan. Defendant needs additional time to arrange a PSR interview and USPO needs
3 additional time to prepare its PSR.

4 2. The defendant is not in custody and agrees with the need for the continuance.

5 3. The parties agree to the continuance.

6 This is the first request for a continuance of the sentencing hearing.

7 DATED this 15th day of June, 2017.

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9 RENE L. VALLADARES
Federal Public Defender

STEVEN W. MYHRE
Acting United States Attorney

10
11 */s/ Brian Pugh*
By _____

12 BRIAN PUGH
13 Assistant Federal Public Defender

/s/ John Patrick Burns
By _____

JOHN PATRICK BURNS
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JAMES MCMILLAN,

7 Defendant.

Case No. 2:17-cr-00080-APG-CWH

ORDER

9
10 IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for
11 Thursday, August 17, 2017 at 10:00 a.m., be vacated and continued to November 30, 2017 at
12 the hour of 9:00 a.m., Courtroom 6C; or to a time and date convenient to the court.

13 DATED this 19th day of June, 2017.

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16 UNITED STATES DISTRICT JUDGE